GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Registration & Stamps Department – Allegation of corruption against Sri M. Krishnaiah, Joint Sub Registrar-II, and Sri P. Srinivasa Rao, Junior Assistant, Registrar Office, Nellore – Convicted by the Special Court of ACB cases, Nellore – Filed Criminal Appeal Nos.337, 353 and 402 of 2006 in the Hon'ble High Court of Andhra Pradesh – Criminal Appeals allowed by the Hon'ble High Court and set aside the conviction orders of the Special Court of ACB cases – Representation filed – Further action dropped – Orders – Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.542 **Dated: 11-06-2015**

Read the following:

1) From the DG, ACB, AP, Hyderabad, Rc.No.52/RCO-NNL/1998, dt.17.6.1999.
2) G.O.Ms.No.557, Revenue (Regn.I) Dept., dt.7.8.2000.
3) G.O.Ms.No.558, Revenue (Regn.I) Dept., dt.7.8.2000.
4) Judgement of Spl. Judge for SPE & ACB cases, Nellore in C.C.NO.18 of 2000, dt.24.2.2006.
5) From the DG, ACB, AP, Hyderabad, Rc.No.52/RCO-NNL/1998, dt.18.3.2006.
6) Orders of Hon'ble APAT in OA No.1801/2006, dt.31.3.2006.
7) Govt. Memo No.14725/Vig.VI(1)/2006-3, dt.28.7.2006.
8) Orders of Hon'ble High Court in Crl. Appeal No.337, 353 and 402 of 2006, dt.3.2.2014.
9) From the DG, ACB, AP, Hyderabad, Rc.No.52/RCO-NNL/1998, dt.30.12.2014.
10) Govt. Memo No.14725/Vig.II(2)/2006-13, dt.16.4.2015.
11) Representation of Sri P. Srinivasa Rao, Jr. Asst., dt.20.4.2015
12) Representation of Sri M. Krishnaiah, Retd. Sub Registrar, dt.4.5.2015.
13) From the DIG, R&S, Nellore, Lr.No.A/379/2015, dt.23.5.2015.

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ORDER:

It was brought to the notice of the Government that Sri M. Krishnaiah, Joint Sub Registrar (Now retired) (Accused Officer-1) and Sri P. Srinivasa Rao, Junior Assistant (Accused Officer-2), Office of District Registrar, Nellore allegedly committed an offence of Criminal misconduct in registration of document No.3625/97 and 3626/97 by intentionally under valuing the stamp duty and registration fee and thereby caused loss of revenue to the Government to a tune of Rs,11,49,545/-. The Director General, Anti Corruption Bureau, A.P, Hyderabad recommended the Government to prosecute the above Accused Officers in a court of law. Accordingly, Government accorded sanction to prosecute Sri M. Krishnaiah, Joint Sub Registrar (Now retired) (Accused Officer-1) and Sri P. Srinivasa Rao, Junior Assistant (Accused Officer-2) vide reference 2nd and 3rd read above respectively. Subsequently, the Accused Officers were placed under suspension and later reinstated into service.

2. Whereas in the reference 4th read above, the Special Judge for SPE & ACB cases, Nellore held that the Accused Officer-1 and Accused Officer -2 were convicted and sentenced to undergo rigorous imprisonment besides payment of fine, as they were found guilty for the charges. In the reference 5th read above, the Director General, Anti Corruption Bureau, A.P, Hyderabad requested the Government to take further action for dismissal of Sri P. Srinivasulu, formerly Junior Assistant, and take action against Sri M. Krishnaiah, formerly Joint Sub Registrar-II, Nellore as per A.P. Revised Pension Rules, 1980, as he retired from service on 31.7.2005. Meanwhile the

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Accused Officer-1 and Accused Officer-2 filed criminal appeal before Hon'ble High Court against the conviction orders and the Hon'ble High court suspended the sentence of imprisonment by its interim orders dt.23.3.2006 in CRL.No.402/2006 and interim orders dt.14.3.2006 in CRL.No.353/2006. Subsequently Sri P. Srinivasa Rao, formerly Junior Assistant filed OA No.1801/2006 before Hon'ble A.P. Administrative Tribunal seeking interim directions to the respondents not to dismiss him from service pending disposal of the Criminal Appeal in the Hon'ble High Court and obtained orders dt.31.3.2006 restraining the Government from passing dismissal orders and the Accused Officer has been continuing in service. With regard to another Accused Officer Sri M. Krishnaiah, former Joint Sub Registrar-II (Retd.), a Show Cause Notice was issued to Accused Officer for his explanation to why a punishment of withholding of his gratuity and pension in full permanently should not be imposed vide reference 7th read above. Aggrieved by this the Accused Officer-2 filed OA No.2914/2007 before Hon'ble A.P. Administrative Tribunal and obtained interim orders dt.24.5.2007 restraining the Government from taking any further action pursuant to the impugned Memo dt.28.7.2006.

3. Whereas in the reference 8th read above, the Hon'ble High Court ordered that the impugned convictions and sentences imposed on the appellants herein are hereby set aside and they are found not guilty of the said offences and acquitted of the charges. The fine amounts, if any already paid by the appellants shall be returned to them.

4. Whereas in the reference 9th read above, the Director General, Anti Corruption Bureau, A.P, Hyderabad has informed that the Bureau is of the opinion that there are grounds to file a Special Leave Petition in the Supreme Court of India challenging the judgment of the Hon'ble High Court and requested the Government to permit the Special Officer for AP, Supreme court of India, New Delhi to file a Special Leave Petition before the Supreme Court of India and advise the Special Officer to file a condonation petition for the delay along with Special Leave Petition.

5. Government after careful examination of the matter have observed that the limitation of 90 days period for filing of Special Leave Petition against the orders of Hon'ble High Court in Criminal Appeal No.337, 353 & 402 of 2006, dt.3.2.2014 was already expired long back, therefore Government have not accepted the proposal of the Director General, Anti Corruption Bureau, A.P, Hyderabad for filing Special Leave Petition and the same was informed to the Director General, Anti Corruption Bureau, A.P, Hyderabad and requested to take action accordingly vide reference 10th read above.

6. Whereas in the reference 11th and 12th read above, Sri P. Srinivasa Rao, former Junior Assistant and Sri M. Krishnaiah, former Joint Sub Registrar (Retired) have submitted representation stating that they were acquitted from the criminal charges as per the Hon'ble High Court of AP. Therefore, they have requested the Government to drop further action against them and regularize the suspension period.

7. Whereas in the reference 13th read above, the Deputy Inspector General, Registration & Stamps, Nellore has informed that actual date of suspension of Sri P. Srinivasa Rao, Junior Assistant, Sub Registrar Office, Sullurpeta is 17.5.1998, and his suspension period is from 17.5.1998 to 13.11.1998 (5 months 28 days). He joined into service on 14.11.1998 after revocation of suspension. The Deputy Inspector General has further stated that the alleged amount of Rs.11,49,545/- was recovered as per the report of the District Registrar.

8. Government after careful examination of the matter, have observed that Sri M. Krishnaiah, former Joint Sub Registrar (Retired) (Accused Officer-1) and Sri P. Srinivasa Rao, former Junior Assistant (Accused Officer-2), Office of District Registrar, Nellore were found not guilty of the offence and they were acquitted from the

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charges by the Hon'ble High Court and Government have also decided not to file SLP against the orders of Hon'ble High Court. Hence Government hereby order to drop further action against Sri M. Krishnaiah, former Joint Sub Registrar (Retired) (Accused Officer-1) and Sri P. Srinivasa Rao, former Junior Assistant (Accused Officer-2), Office of District Registrar, Nellore and to regularize the suspension period of Sri P. Srinivasa Rao, Junior Assistant, from 17.5.1998 to 13.11.1998 as duty period under FR 54-A(3), as he was not found guilty in the criminal case, keeping in view of the orders of Hon'ble High Court. Orders in respect of regularization of Suspension period of Sri M. Krishnaiah, former Joint Sub Registrar (Retired) will be issued separately after obtaining certain information from the Deputy Inspector General, Registration & Stamps, Nellore.

9. The Director & Inspector General, Registration & Stamps, A.P, Hyderabad/ the Deputy Inspector General, Registration & Stamps, Nellore shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To,
The Director & Inspector General, Registration & Stamps, AP, Hyderabad.
The Deputy Inspector General, Registration & Stamps, Nellore
The Individual.
(through the Deputy Inspector General, Registration & Stamps, Nellore)
Copy to:
The Secretary to V.C, A.P. Vigilance Commission.
The Director General, Anti Corruption Bureau, A.P, Hyderabad.
Sf/Sc

//Forwarded::By order//

SECTION OFFICER